Department of Planning, Building, and Code Enforcement HARRY FREITAS, DIRECTOR

PLANNED DEVELOPMENT PERMIT AMENDMENT

FILE NO. PDA05-095-02

LOCATION OF PROPERTY Southwest corner of Silver Creek Valley

Road and Silver Creek Valley Place

ZONING DISTRICT A (PD) Planned Development

GENERAL PLAN DESIGNATION Combined Industrial Commercial

PROPOSED USE Planned Development Permit Amendment to

allow the construction of a 95,000 square foot outpatient clinic on an approximately 5.82

gross acre site.

ENVIRONMENTAL STATUS Addendum to the Final EIR entitled

"Edenvale Redevelopment Plan", Resolution

No. 67245

APPLICANT Patrick Chan, BKF Engineers

1650 Technology Drive Suite 650

San Jose, CA 95110

OWNER US Federal Properties, Co. LLC (Dan Carr)

4706 Broadway, Suite 240 Kansas City, MO 64112

The Director of Planning, Building, and Code Enforcement determines, concludes, and finds as follows for this proposed project:

1. Site Description and Surrounding Uses.

- a. The subject 5.82 acre property is located at the southwest corner of Silver Creek Valley Road and Silver Creek Valley Place and is currently vacant aside from an accessory structure used for a security monitoring equipment.
- b. The subject property is within an existing Planned Development Zoning District, PDC05-045. The development standards allow a variety of commercial, hotel, health care, and office uses.
- c. The project site is abutted to the north by a vacant property with the same A(PD) Planned Develop Zoning, to the south and east by properties zoned IP Industrial Park and developed with a single family residence and riparian area, and to the west by State Highway 101.
- d. The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.

- 2. **Project Description**. A Planned Development Permit Amendment is required per Chapter 20.100.910 of the San Jose Municipal Code. This Planned Development Permit would allow for an approximately 95,000 square foot outpatient clinic.
- 3. **General Plan Conformance.** The Project is consistent with the Envision San Jose 2040 General Plan Transportation/Land Use designation of Combined Industrial Commercial in that properties with this designation supports a varied mixture of compatible commercial and industrial uses including hospitals.
- 4. **Planned Development Zoning Standard Conformance**. The proposed project conforms to the setback requirements and other development regulations of the A(PD) Planned Development Zoning District in the following manner:
 - a. Use. The proposed outpatient health care facility is a permitted use by the Planned Development Zoning.
 - b. **Setbacks.** The project complies with the required 10 foot setback from both Silver Creek Valley Place and Highway 101, and the required 5 foot parking setback from any public street.
 - c. **Height.** The project complies with the required maximum height of 120 feet in that the maximum height of the proposed building is 53 feet.
 - d. **Parking.** The Planned Development Zoning Development Standards require health care facilities to provide parking per Section 20.90.060 and table 20-190 of the zoning code at the time of the Planned Development Zoning resolution (which was 2013). This Section stipulates that 1 parking space is required per 250 square feet of floor area. Therefore 323 parking spaces are required and 328 parking spaces are provided.
- 5. **Environmental Review.** The environmental impacts of the project, including but not limited to traffic, air quality, hydrology and flooding, vegetation and wildlife, cultural resources, hazardous materials, visual and aesthetic, noise, vibration, dust, drainage, erosion, stormwater runoff have been analyzed for the purposes of the California Environmental Quality Act (CEQA). Any potential negative effects on adjacent property have been addressed by an Addendum to the Final EIR entitled "Edenvale Redevelopment Plan" adopted on April 17, 1999 by Resolution Number 67245 by the City of San Jose City Council.
- 6. **Planned Development Permit Amendment Findings.** Chapter 20.100 of Title 20 of the San Jose Municipal Code establishes required findings for issuance of a Planned Development Permit.
 - a. The Planned Development Permit Amendment, as issued, furthers the policies of the General Plan, in that
 - The Combined Industrial Commercial land use designation allows for health care facilities. The proposed development is consistent with the policies of the Envision 2040 General Plan as described above, under 'General Plan Conformance'.
 - b. The Planned Development Permit Amendment, as issued, conforms in all respects to the planned development zoning of the property, in that
 - The proposed project meets the development standards per the zoning. The proposed outpatient facility is consistent with all other general developments standards as described above under 'Planned Development Zoning Standard Conformance.'

- c. The interrelationship between the orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible and aesthetically harmonious, in that
 - The proposed building location and scale are harmonious with the existing and proposed buildings on the adjacent properties. The building facades are detailed and incorporate visual interested from all directions including from the highly trafficked adjacent highway. The building incorporates several high-quality materials in a modern design which provide further façade modulation, thus minimizing the mass of the building.
- d. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties, in that
 - The environmental impacts of this project were addressed by an Addendum to Final EIR entitled, "Edenvale Redevelopment Plan," and certified on April 17, 1999, by the City of San José City Council by Resolution Number 67245.

In accordance with the findings set forth above, a Planned Development Permit Amendment for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. **Acceptance of Permit**. Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
- 2. **Permit Expiration**. This Permit shall automatically expire four years from and after the date of issuance hereof by said Director, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
- 3. Conformance to Plans. The development of the site shall conform to the approved Planned Development Permit Amendment plans entitled, "Veteran Affairs Outpatient Clinic" dated received February 10, 2016, on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24), with the exception of any subsequently approved changes.

- 4. **Conformance with Previously Approved Zoning**. All conditions of approval from the previously approved Planned Development Zoning, PDC13-023, remain in effect.
- 5. **Conformance to Other Permits**. Unless specifically modified with this permit, this project shall conform to all of the requirements of previous permit, PD05-095 and the subsequent Planned Development Permit Amendment PDA05-095-01.
- 6. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this permit shall be deemed acceptance of all conditions specified in this permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the "Building Code" shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San Jose Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
- 7. **Additional Permits Required**. The developer shall secure any and all necessary permits required for the development of this site and/or implementation of this use including, but not limited to permits from Department of Public Works, and Building.
- 8. Compliance with Local and State Laws. The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above.
- 9. **Discretionary Review**. The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San Jose Municipal Code.
- 10. **Permit Adjustment Required.** Prior to occupancy of the facility, the Permittee shall secure and agree to implement a Permit Adjustment to the satisfaction of the Director of Planning which addresses the proposed artwork at the entrance of the building.
- 11. **Screening of Rooftop Equipment.** All proposed rooftop equipment shall be screened from view.
- 12. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.
- 13. **Refuse**. All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
- 14. **Motorcycle Parking**. This project shall conform to the motorcycle parking requirements identified on the Planned Development Zoning Development Standards. The required spaces shall be provided through a combination of dedicated spaces as shown on the plans and the use of surplus vehicular parking spaces which may serve as motorcycle parking spaces.
- 15. **Bicycle Parking Provisions.** This project shall provide a combination of short term uncovered bike parking as well as long term covered parking consistent with the requirements noted in the Planned Development Zoning Development Standards.

- 16. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the approved plan set.
- 17. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including job sites for projects under construction.
- 18. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
- 19. **Building and Property Maintenance.** The property owner shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.
- 20. **Lighting.** All new on-site, exterior, unroofed lighting shall conform to the City's Outdoor Lighting Policy and shall use fully cut-off and fully shielded, low-pressure sodium fixtures unless otherwise approved with this project. Lighting shall be designed, controlled and maintained so that no light source is visible from outside of the property.
- 21. **Colors and Materials.** All building materials are to be those specified on the Approved Plan Set.
- 22. **Street Number Visibility.** Street numbers of the building shall be easily visible from the street at all times, day and night.
- 23. **Protection of Storm Drains.** No hazardous materials, paint, rinse water, or construction sediments or debris shall be allowed to enter the public right-of-way or any storm drain inlet. The storm drain system flows to the Bay.
- 24. **Recycling.** Scrap construction and demolition material should be recycled. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.
- 25. **Tree Removals**. No tree larger than 56 inches in circumference, at a height of 24 inches above the natural grade slope, shall be removed without a Tree Removal Permit issued by the Director of Planning.
- 26. **Nuisance.** As required by Title 20 of the San Jose Municipal Code, construction on this site shall be conducted in a manner that does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
- 27. Green Building Requirements for Tier 2 Non Residential Development (≥25,000 square feet). This development is subject to the City's Green Building Ordinance for Private Sector New Construction. Prior to the issuance of any shell or complete building permits issued on or after September 8, 2009 for the construction of buildings approved through the scope of this permit, the applicant shall pay a Green Building Refundable Deposit applicable to the gross square footage of said buildings which are approved through this permit. The project must receive the minimum green building certification of LEED Silver. The request for refund of the Green Building Deposit together with green building certification evidence demonstrating the achievement of the green building standards indicated above shall be submitted within a year after the building permit expires or becomes final, unless a request for an extension is submitted to the Director of Planning, Building, and Code Enforcement in accordance with Section 17.84.305D of the Municipal Code.

- 28. **Construction Noise.** The following mitigation measures shall be implemented for construction activities wherever there is a direct view from existing residences adjacent to the site, or where construction occurs within 500 feet of a residential area.
 - a. Construction Noise.
 - i. Contractors shall be required to use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used at the project site, as well as at off-site locations with project construction, shall be equipped with adequate muffling devices. All equipment shall be in good mechanical condition, to minimize noise created by faulty or poorly maintained engine, drive-train and other components.
- 29. **Construction Impact Mitigation Measures.** The applicant is responsible for notifying all contractors of the conditions of this permit and that they shall perform construction activities in compliance with these conditions, or be subject to enforcement action.
 - a. *Compliance*. The applicant shall ensure that the following construction impact mitigation measures are fully complied with throughout the duration of all construction activities associated with this project and related off-site construction work. Failure to comply with these conditions by the applicant, their contractors or subcontractors shall be cause for shutdown of the project site until compliance with the following conditions can be ensured by the City. These construction impact mitigation measures shall be included in all contract documents for the project to ensure full disclosure to contractors and subcontractors.
 - b. Construction Hours. Construction and grading activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. This includes the staging of equipment and construction personnel. The construction hours shall be printed on all plans for the project used to construct the project. Interior construction activities that do not generate any audible noise impacts at residential properties are allowed on Saturdays between 9:00 a.m. and 5:00 p.m.
 - c. *Enforcement*. The Director of Planning, Building and Code Enforcement may order an immediate halt to construction activities on the project site any time that the Director determines that the project is not in substantial conformance with the requirements of this Permit. Within seven days of ordering such a halt to construction, the Director of Planning, Building and Code Enforcement shall issue a Notice of Noncompliance in conformance with Section 20.100.320 of Title 20 of the San José Municipal Code indicating the specific area(s) of noncompliance and providing notice that the Director may issue an Order to Show Cause why the development permit shall not be revoked, suspended, or modified if the noncompliance is not corrected.
 - d. *Construction Deliveries*. Deliveries shall not occur outside the above construction hours. All deliveries shall be coordinated to ensure that no delivery vehicles arrive prior to the opening of the gates to prevent the disruption of nearby residents.
 - e. *Fencing*. The site shall be wholly enclosed by security fencing where the site is accessible by vehicles. The gates to the project site shall remain locked during all other times, except for a 30-minute period immediately preceding and following the above hours of construction.
 - f. Assembly Area. Workers shall not arrive to the site until the opening of the project gates. The applicant shall designate a location without adjacent residential units for workers to wait prior to the opening of the project gates.

- g. *Disturbance Coordinator*. A Construction/Disturbance Coordinator shall be identified by the developer for this project. The Construction/Disturbance Coordinator shall be responsible for ensuring compliance with the hours of construction, site housekeeping, and other nuisance compliance conditions in this permit. The coordinator shall also compile information regarding construction phasing/operations and keep the neighborhood informed of the stages of development. The coordinator shall also listen and respond to neighborhood concerns regarding construction, determine the cause of the concern (e.g., starting too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem in a timely manner. The coordinator shall maintain a log of calls and shall make that log available to the City of San Jose upon request.
- h. *Posting of Telephone Number*. The name and phone number of the applicant's selected Construction/Disturbance coordinator, the hours of construction limitations, City File Number PDA05-095-02, and City of San Jose Code Enforcement Department number (408) 535-7770 shall be displayed on a weatherproof sign posted at each entrance to the project site. A local phone number with answering service shall be maintained during the duration of project construction.
- i. Street Cleaning and Dust Control. During construction, the developer shall damp-sweep the public and private streets within and adjoining the project site each working day sufficient to remove all visible debris and soil. On-site areas visible to the public from the public right-of-way shall be cleaned of debris, rubbish, and trash at least once a week. While the project is under construction, the developer shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site.
- j. *Construction Watering*. The proposed project shall use recycled water for all grading, dust control, and other non-potable approved uses during construction to the satisfaction of the Director of Public Works.
- 30. **Air Quality.** During construction, the following measures shall be incorporated to mitigate any possible significant air quality impacts.
 - a. Water all active construction areas at least twice daily.
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - e. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - d. Sweep daily (with water sweepers) all paved access roads, parking areas and staging.
 - e. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- 31. Sewage Treatment Demand. Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions

designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.

32. Environmental Mitigation Measures.

a. Archaeology:

- i. In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement shall be notified, and the archaeologist will examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning, Building and Code Enforcement.
- ii. In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.
- 33. **Public Works Clearance for Building Permit(s) or Map Approval.** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following: http://www.sanjoseca.gov/index.aspx?nid=2246
 - a. Construction Agreement: The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.

b. *Grading/Geology:*

- i. A grading permit is required prior to the issuance of a Public Works Clearance.
- ii. All on-site storm drainage conveyance facilities and earth retaining structures 4' foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2010 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10 year storm event.

- iii. If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
- iv. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
- v. The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.

c. Transportation:

- i. The approved zoning, PDC13-023, was required to implement traffic mitigations per the approved zoning PDC13-023; which includes improvements to the northbound off-ramp at the Interstate 101/Blossom Hill Interchange. However, the City had approved a modification to the current Edenvale Area Development Policy (EADP) to include the proposed project within the policy. The modification included a traffic mitigation fee of \$400,000 for 259 PM peak hour trips in lieu of mitigations that were required within the original EIR.
- ii. The traffic mitigation fee of \$400,000, which fully mitigates PDC13-023 for up to 212 AM peak hour trips and 259 PM peak hour trips was paid by the adjacent property developer. The adjacent site generates 207 PM peak hour trips, leaving a balance of 52 PM peak hour trips. The proposed project generates 88 PM peak hour trips, after applying the 52 PM peak hour trips balance, the project exceeds the available balance 36 PM peak hour trips. The additional trips generated by the proposed project will require an additional traffic capacity.
- iii. Within the Edenvale Area Development Policy, there is existing traffic capacity available for projects that exceed their allowed traffic capacity and meet the City's general plan goals. Projects that wish to use the available traffic capacity, rather than submitting a traffic analysis, can purchase the desired square footage from the available 494,000 square feet (pool) at a cost of \$3.54 per square foot. For the proposed land use, 36 PM peak hour trips is equivalent to 38,263 square feet.
- d. *Sewage Fees:* In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- e. *Assessments:* This project is located within the boundaries of Improvement District 99-218SJ (Hellyer-Piercy), which sold bonds to fund the construction of the street improvements in the surrounding industrial development and to provide access to this site. The bonds are secured by the properties and an assessment has been assigned to each parcel based on its current configuration and are collected through the County property tax bills. The outstanding principle balance for Assessor's Parcel No. 678-07-

040 is \$1,518,619.50. An annual assessment, not to exceed \$278,592.52, will be placed on the County property tax bills listed under Tax Code 24Q "HELLYER-PIERCY BND" through fiscal year 2022-23. The outstanding principle balance for the proposed site is \$995,474.77 with an annual assessment not to exceed \$182,616.56. Any questions may be directed to Thomas Borden at (408) 535-6831.

f. Street Improvements:

- i. Remove existing crosswalk and reconstruct at future trail crossing per U.S. 101 / Blossom Hill Road trail plan.
- ii. Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
- iii. Remove existing handicap ramps at the ends of the existing crosswalk and install City standard sidewalk.
- iv. Install handicap ramps at new crosswalk to City and ADA standard.

g. Electrical:

- i. Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
- h. Locate and protect existing electrical conduit in driveway and/or sidewalk construction.
- 34. **Revocation, Suspension, Modification.** This Planned Development Permit Amendment may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Chapter 20.100, Title 20 of the San José Municipal Code it finds:
 - a. A violation of any conditions of the Planned Development Amendment Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
 - c. The use as presently conducted creates a nuisance.

APPROVED and issued on this 6th day of April, 2016.

Harry Freitas, Director Planning, Building, and Code Enforcement

Deputy